
: UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

Plaintiff(s),

:

Civil Action No. 05-5730 (JAP)

VALLEY BANANA KING, et al.,

FLEXI-VAN LEASING, INC.,

-VS-

REPORT AND RECOMMENDATION

Defendant(s),

,

On April 25, 2006, I granted the motion of attorney Paul Gauer, Esq. for leave to withdraw as counsel for defendants Transportes Refrigerados Leo, Inc. ("Transportes"). In my Letter Order filed in connection with that motion, I directed all parties to appear before me for a status conference on June 10, 2006. I also advised Transportes that if counsel had not entered an appearance on behalf of it by April 30, 2006, I would ask the District Court to strike its Answer and enter default against it.

It is settled law in this circuit that corporations cannot represent themselves <u>pro se</u>. <u>Simbraw</u>, <u>Inc. v. United States</u>, 367 F.2d 373 (3rd. Cir. 1966) Here, defendant Transportes has failed to secure counsel, despite having been advised that it is required to do so. Transportes cannot represent itself <u>pro se</u>. Accordingly, I recommend that the District Court strike Transportes Answer and Affirmative Defenses of Transportes and enter default against it.

The parties have ten (10) days from the date hereof to file and serve objections to the Report and Recommendation.

DATED: June 5, 2006

s/Madeline Cox Arleo

MADELINE COX ARLEO United States Magistrate Judge

Original: Clerk

cc: Hon. Joel A. Pisano, U.S.D.J.

File